

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-US

In Re Application of:

GREGORY G. KUELBS

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: UMBRELLA APPARATUS

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Examiner: SAWHNEY, HARGOBIND S.

Confirmation No.: 9033

Art Unit: 2875

TRANSMITTAL

**MAIL STOP: AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Please file the following enclosed documents in the subject application:

1. This Transmittal with Certificate of Mailing;
2. Response to Second Requirement for Restriction; and
3. Our return postcard which we would appreciate you date stamping and returning to us.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

Date of Deposit: 6/29/05

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

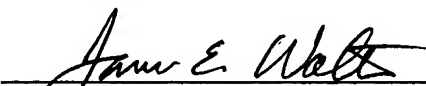
By: James E. Webb

No fee is deemed to be necessary; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayments, to Deposit Account No. **502806**.

**Please link this application to Customer Nos. 50779 and 38441 so that its status may be checked via the PAIR System.**

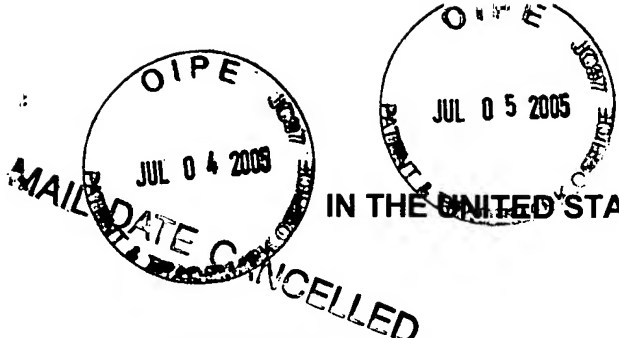
Respectfully submitted,

6/29/05  
Date

  
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**CUSTOMER NOS. 50779 AND 38441**

**ATTORNEYS AND AGENT FOR APPLICANT**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0664MH-40982-US

In Re Application of:

**GREGORY G. KUELBS**

Serial No.: 10/650,537

Filed: 28 AUGUST 2003

For: **UMBRELLA APPARATUS**

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§ Examiner: **SAWHNEY, HARGOBIND S.**  
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§ Confirmation No.: **9033**  
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§ Art Unit: **2875**  
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**RESPONSE TO SECOND REQUIREMENT FOR RESTRICTION**

**MAIL STOP: AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Second Restriction Requirement mailed 10 June 2005, which provides for a one-month response period ending 10 July 2005.

Please consider the following election and remarks.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)	
Date of Deposit:	<u>6/29/05</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
By:	<u><i>James E. Noble</i></u>



### **ELECTION WITH TRAVERSE**

The Restriction Requirement alleges that the present application contains claims directed to following patentably distinct species of the claimed invention:

Species I – shown in Figures 1, 5B, and 9;

Species II – shown in Figures 2A-2C, 3A-3C, and 5A;

Species III – shown in Figure 4A, 6, and 10;

Species IV – shown in Figure 4B and 8;

Species V – shown in Figures 4C and 7; and

Species VI – shown in Figure 11.

Applicant elects, with traverse, to pursue Claims 21-34. Claims 21-34 are directed to a single species, i.e., a solar-powered lighted umbrella. This solar-powered lighted umbrella, and the components thereof, is illustrated in Figures 1, 2A-2C, 3A-3C, 4A, and 6. All of these Figures show the claimed solar-powered lighted umbrella and its component parts. Applicants reiterate that the foregoing election is not an acquiescence in the propriety of the restriction or in the accuracy in the determination and/or identification of the alleged “species” in the application. Applicants also request withdrawal of the Restriction Requirement as set forth below, as the Requirement is improper.